



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, MARCH 7, 2002**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 7, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Pastor Ron Parrish, Hope in the City

Mayor Garcia called the meeting to order at 12:08 p.m.

Mayor Garcia recessed the meeting at 12:10 p.m. to go into Executive Session.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

1. Discuss legal issues related to *F. L. Vivion, N. K. Ballard, L. I. Ballard, et al. v. the City of Austin*, Cause Number GN-103330, filed in the 261st Judicial District Court of Travis County.
2. Discuss legal issues related to the zoning of property located on the north side of Convict Hill Road, east of Poncha Pass, zoning case number C14-01-0146, in the Barton Creek Watershed.
4. Evaluate the performance and consider the compensation of the Municipal Court Clerk.

Mayor Garcia announced that items 8, 9 and 49 would be discussed in Executive Session.

Executive Session ended at 1:43 p.m. Mayor Garcia called the meeting back to order.

CITIZEN COMMUNICATIONS

5. Gus Pena - (1) To discuss budgetary issues and concern's. (2) Continue to push for Affordable Housing, Transitional Housing for Homeless families, low income affordable Housing. Hold Public Hearings to Hear Citizen's. Concerns about possible Budget cuts, Before any Decisions are made. Include the public In the process.
53. Jennifer Gale – March 12th, please vote for Victor Morales and Jennifer Gale for U.S. Congress to: Create two district offices; Significant minimum wage increase; VA Hospital/UTMB; Secure

social security system; Your ideas and make friends not enemies with the Republican run U.S. Congress.

DISCUSSION ITEMS

6. Approval of amended minutes from the regular meeting for February 7, 2002, minutes from worksession of February 27, 2002 and minutes of the regular meeting of February 28, 2002.
The minutes from the regular meeting of February 7, 2002, from the Work Session of February 27, 2002 and the regular meeting of February 28, 2002 were approved on Council Member Thomas' motion, Mayor Garcia's second by a 7-0 vote

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Thomas' motion, Mayor Garcia's second by a 7-0 vote.

7. Approve a new compensation package for the Municipal Court Clerk. (Mayor Gus Garcia)
This item was postponed indefinitely.

Items 8 through 13 were pulled for discussion.

14. Approve an Ordinance calling an Election to be held in the City of Austin on May 4, 2002 for three Council Member positions and authorizing the City Clerk to negotiate and execute joint election agreements with other political entities. (Funding in the amount of \$628,360 was included in the 2001-2002 Approved Operating Budget of the Office of the City Clerk.)
Ordinance No. 020307-14 was approved.
15. Amend Ordinance No. 010910-01, the 2001-2002 Operating Budget of the Liability Reserve Fund by increasing budgeted expenditures by \$243,000, for a total of \$3,743,000 and decreasing the approved ending balance by the same amount for a total of (\$625,015). (Funding in the amount of \$243,000 is available in the 2001-2002 Liability Reserve Fund ending balance.) (Related Item No. 16)
Ordinance No. 020307-15 was approved.
16. Approve a resolution authorizing execution of an amendment to the professional services contract with Scott, Douglas, & McConnico, L.L.P, to increase the amount of attorney fees by up to \$200,000, for a total contract amount not to exceed \$243,000, for legal services in *F.L. Vivion, N.K. Ballard, L.I. Ballard, et al. v. City of Austin*, Cause No. GN103302 in the Travis County District Court of Texas. (Funding in the amount of \$200,000 is included in the 2001-2002 Amended Operating Budget of the Liability Reserve Fund.) (Related Item No. 15)
Resolution No. 020307-16 was approved.

Item 17 was pulled for discussion.

18. C14-01-0072 – Villas on Guadalupe - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2701 and 2717 Guadalupe Street and 2804-2816 Hemphill Park (Waller Creek Watershed) from CS, General Commercial Services district, zoning to MF-6-CO, Multifamily Residence Highest Density-Conditional Overlay Combining district, with conditions on Tract 1 and CS-MU-CO, General Commercial Services-Mixed Use-Conditional Overlay Combining district, zoning with conditions on Tract 2. First reading January 10, 2002; Vote: 5-2, Alvarez and Griffith nay.
Conditions met as follows: Conditional Overlay and Restrictive Covenant incorporates the

conditions imposed or accepted by City Council on first ordinance reading. Applicant: Villas on Guadalupe L.P. Agent: Mike McHone. Staff: Glenn Rhoades. (continued from 2/28/02) Note: A valid petition has been filed in opposition to this rezoning request.

The second reading of this ordinance was approved. The third reading will be on the agenda on March 21, 2002. Council approved, as a part of the consent agenda vote, to waive the rules to open the public hearing to allow 20 minutes for each side to speak before the ordinance is given the final reading. Mayor Pro Tem Goodman requested an analysis of the differences between MF-4, 5, and 6 -- defining the conditions of zoning and conditions that could be included in restrictive covenants.

Item 19 was pulled for discussion.

20. Approve a resolution authorizing fee simple acquisition of Lot 18, Block K, Onion Creek Forest, Section 2, locally known as 6904 Onion Creek Drive, Austin, Texas, from William Carlisle and Teresa C. Carlisle for the Second Phase of the Onion Creek Flood Control Project, in the amount of \$55,000. (Funding is included in the 2000-2001 Amended Capital Budget of the Watershed Protection & Development Review Department.)
Resolution No. 020307-20 was approved.
21. Approve a resolution authorizing execution of Change Order No. 2 to the construction contract with ICE CONTRACTORS, INC., Dallas, Texas, for additional asbestos abatement in office ceilings and floor tile, and miscellaneous minor revisions for the Robert Mueller Municipal Airport Terminal Deconstruction Project, in the amount of \$77,610, for a total contract amount not to exceed \$600,890. (Funding in the amount of \$77,610 is available in the Fiscal Year 2001-2002 Approved Operating Budget of the Mueller Airport Disposition Fund. The funds are to come from operating funds as approved in a Memorandum of Understanding between the FAA and the City of Austin.) Overall M/WBE participation, including this Change Order: 8.89% African American; 0.0% Hispanic; 0.0% Native/Asian American; and 0.00% WBE.
Resolution No. 020307-21 was approved.
22. Approve a resolution authorizing execution of a construction contract with MAC, INC. (MBE/MH, 87.98%), Austin Texas, for removal and reconstruction of existing sidewalks and ramps around Woolridge Park, pursuant to ADA requirements, for a total amount not to exceed \$63,838.50. (Funding is included in the Fiscal Year 2000-2001 Amended Capital Budget of the Department of Transportation Planning & Sustainability.) Lowest of eleven bids received. 0% MBE, 5.64% WBE subcontracting participation.
Resolution No. 020307-22 was approved.

Item 23 was pulled for discussion.

24. Approve a resolution authorizing execution of a construction contract with KIVA, INC., Austin, Texas, for street and utility improvements on Summit, Taylor Gaines, and Lupine Streets as part of the Group 7 Street Reconstruction, Overlay, Utility Adjustments and Waterline Improvements Project, in the amount of \$1,237,023.85, plus \$61,851.19 contingency fund, for a total amount not to exceed \$1,298,875.04. (Funding in the amount of \$748,583.38 is available in the 2001-2002 Approved Capital Budget of the Department of Public Works; \$550,291.67 is available in the 2001-2002 Amended Capital Budget of the Water & Wastewater Utility.) Lowest of the five bids received. 32.24% MBE, 0% WBE subcontracting participation.
Resolution No. 020307-24 was approved.
25. Approve a resolution authorizing negotiation and execution of an amendment to the professional services agreement with PB AVIATION (formerly known as Parsons Brinckerhoff Quade & Douglas, Inc.), Austin, Texas, for additional construction phase services for Austin-Bergstrom

International Airport's East Runway Taxiways A&K, in the amount of \$298,291.13 for a total contract amount not to exceed \$948,291.13. (Funding in the amount of \$298,291.13 is available in the Fiscal Year 2002 Capital Budget of the Department of Aviation.) 65.49% DBE subcontracting participation.

Resolution No. 020307-25 was approved.

26. Approve a resolution authorizing negotiation and execution of a 12-month service agreement with SHERMCO INDUSTRIES, INC., Irving, Texas, to provide maintenance of an electromechanical relay system in an amount not to exceed \$50,000 with two 12-month extension options in an amount not to exceed \$50,000, per extension for a total contract amount not to exceed \$150,000. (Funding in the amount of \$25,000 is available in the 2001-2002 Amended Operating Budget of the Electric Utility Department. Funding for the remaining six months of the original contract period and the extensions options is contingent upon available funding in future budgets.) Best proposal of five received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

Resolution No. 020307-26 was approved.

27. Approve a resolution authorizing execution of a 30-month service agreement with UNIVERSAL PROJECT MANAGEMENT, Houston, Texas, for the construction inspection services of the Combined Cycle Plant at the Sand Hill Energy Center, in an amount not to exceed \$4,000,000, with one 12-month extension option in an amount not to exceed \$1,000,000, for a total contract amount not to exceed \$5,000,000. (Funding in the amount of \$4,000,000 is available in the 2001-2002 Approved Capital Budget for the Electric Utility Department. Funding for the extension option is contingent upon available funding in future budgets.) Best evaluated proposal/four proposals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

This item was postponed to March 21, 2002.

28. Approve a resolution authorizing execution of a 12-month supply agreement with K-STONE SUPPLIES & REPAIRS, San Antonio, Texas, for the purchase of floor care products in an amount not to exceed \$18,770.30 with two 12-month extension options in an amount not to exceed \$18,770.30 per extension for a total contract amount not to exceed \$56,310.90. (Funding in the amount of \$10,949.34 was included in the 2001-2002 Approved Operating Budget of the Aviation Department.) Low bid meeting specifications/five bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

Resolution No. 020307-28 was approved.

29. Approve a resolution authorizing execution of a contract with LANFORD EQUIPMENT COMPANY, INC., Austin, Texas, for the purchase of one tractor and mower combination for the Aviation Department in the amount of \$47,446. (Funding was included in the 2001-2002 Operating Budget of the Aviation Department.) Low bidder/two bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The equipment is being provided by an authorized dealer for the manufacturer and will be delivered directly to the City. There is no opportunity for subcontracting, therefore, no goals were established for this solicitation.

Resolution No. 020307-29 was approved.

30. Approve a resolution authorizing execution of a 12-month agreement with FALCON INSURANCE AGENCY, INC., Austin, Texas, to provide Airport Liability Insurance through XL Specialty Insurance Company in an amount not to exceed \$148,825 with three 12-month

extension options in an amount not to exceed \$148,825 per extension for a total contract amount not to exceed \$595,300. (Funding in the amount of \$74,412.50 was included in the 2001-2002 Approved Operating Budget of the Aviation Department. Funding for the remaining six months of the original contract period and extension options is contingent upon available funding in future budgets.) One bid received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

Resolution No. 020307-30 was approved.

31. Approve a resolution authorizing execution of a 12-month service agreement with OFF THE WALL GRAFFITI, Austin, Texas, to provide graffiti removal services in an amount not to exceed \$75,160 with two 12 month extension options in an amount not to exceed \$75,160 per extension for a total contract amount not to exceed \$225,480. (Funding in the amount of \$43,843 was included in the 2001-2002 Approved Operating Budget of the Building Services division of the Finance and Administrative Services Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Only bid. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

Resolution No. 020307-31 was approved.

32. Approve a resolution authorizing execution of a contract with CARROLL SYSTEMS LP, Austin, Texas, for the installation of a structured cabling system for voice, data and video in the Combined Emergency Communications and Transportation Management Center in an amount not to exceed \$318,301.27. (Funding was included in the Fiscal Year 2001-2002 Approved Capital Budget for the Financial and Administrative Services Department.) Low bid of seven bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established. (Related Item Nos. 33 and 34)

Resolution No. 020307-32 was approved.

33. Amend Ordinance No 010910-02, the Fiscal Year 2001-2002 Capital Budget for the Information Systems Department (9-1-1 RDMT Project Office), by appropriating \$3,385,680 for the Combined Emergency Center project. [Funding from various local government entities in accordance with the Interlocal Agreement between the City of Austin, Travis County (\$973,536), Texas Department of Transportation (\$ 2,260,821), and the Capital Metropolitan Transit Authority (\$151,323)]. (Related Item Nos. 32 and 34)

Ordinance No. 020307-33 was approved.

34. Approve a resolution authorizing the negotiation and execution of Amendment Number One to the "Combined Emergency Communications and Transportation Management Center, Phase III Construction Services Interlocal Agreement" between the City of Austin, Travis County, the Texas Department of Transportation, and the Capital Metropolitan Transportation Authority. The purpose of this Amendment is to authorize the City of Austin to procure the various furniture, fixtures, equipment, internal systems, and configuration and installation services for the Combined Emergency Communications and Transportation Management Center. (Related Item Nos. 32 and 33)

Resolution No. 020307-34 was approved.

35. Approve a resolution authorizing execution of a 12-month supply agreement with D & L MEDICAL PRODUCTS, INC., (WBE-FR), Austin, Texas, to provide durable medical equipment for enrollees of the City of Austin Medical Assistance Program, in an amount not to exceed \$27,615, with two 12-month extension options in an amount not to exceed \$27,615 per

extension, for a total contract amount not to exceed \$82,845. (Funding in the amount of \$16,109 was included in the Fiscal Year 2001-2002 Operating Budget of the Health and Human Services Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Sole bidder. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

Resolution No. 020307-35 was approved.

36. Approve a resolution authorizing execution of a contract with MAINLINE INFORMATION SYSTEMS, Tallahassee, FL, for the purchase and support of an IBM RS/6000 Model 7025-6F1 Server including three years maintenance for the City of Austin GIS project in an amount not to exceed \$63,241. (Funding is included in the Approved Capital Budget of the Information Systems Department GIS CIP.) Low bid of three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinances as amended. The recommended awardees will provide these services directly to the City. No subcontracting opportunities were identified, therefore, no goals were established for this solicitation.

Resolution No. 020307-36 was approved.

37. Approve a resolution authorizing execution of a contract with KUSTOM SIGNALS, INC., PFLUMM, LENEXA, KS, for the purchase of traffic safety radar for the Austin Police Department in an amount not to exceed \$126,000. (Funding was included in the 2001-2002 Approved Special Revenue Fund Budget of the Austin Police Department through an Interlocal Agreement with Capital Metro for Regional Mobility and Transportation Projects.) The interlocal agreement with Regional Mobility and Transportation Projects specifies the purchase of Talon brand radar equipment, of which Kustom Signals is the only manufacturer.

Resolution No. 020307-37 was approved.

38. Approve a resolution authorizing execution of a 12-month supply agreement with CREIGHTON UNIFORMS C.P. INC. Reidsville, North Carolina, to provide police uniform shirts in an amount not to exceed \$98,638.05 with two 12-month extension options in an amount not to exceed \$98,638.05 per extension for a total contract amount not to exceed \$295,914.15. (Funding in the amount of \$57,539 was included in the 2001-2002 Operating Budget of the Austin Police Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder/eight bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. The recommended awardee will provide these commodities directly to the City. There is no opportunity for subcontracting, therefore, no goals were established for this solicitation.

Resolution No. 020307-38 was approved.

39. Approve a resolution authorizing the execution of a contract with HOUSTON-GALVESTON AREA COUNCIL OF GOVERNMENTS COOPERATIVE PURCHASING PROGRAM (H-GAC), Houston, Texas, for the purchase and mounting of five recycle collection bodies on City owned truck chassis for the Solid Waste Services Department in the amount of \$339,088.43. (Funding was included in the 2001-2002 Capital Budget of the Solid Waste Services Department.)

Resolution No. 020307-39 was approved.

40. Approve a resolution authorizing execution of a contract with ITERIS, Anaheim Ca, to purchase wireless vidco detection cameras for the Traffic Signal Upgrade Project in an amount not to exceed \$498,360. (Funding was included in the 2001-2002 Amended Capital Budget for the Transportation Planning & Sustainability Department.) Low bid of three received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

Resolution No. 020307-40 was approved.

41. Approve a resolution authorizing execution of a 12-month supply agreement with PIPE DOG INCORPORATED, Richardson, Texas, to provide epoxy cement manhole seal surface kits for the Water and Wastewater Utility, in an amount not to exceed \$62,400 with two 12-month extension options in an amount not to exceed \$62,400 per extension, for a total contract amount not to exceed \$187,200. (Funding in the amount of \$31,200 is available in the 2001-2002 Approved Operating Budget of the Water and Wastewater Utility. Funding for the remaining six months of the original contract period and extension options will be contingent upon available funding in future budgets.) Low bid/two bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established.

Resolution No. 020307-41 was approved.

42. Approve a resolution authorizing execution of a 12-month supply agreement with MDS MATRX, Ballentine, South Carolina, for the purchase of back boards in an amount not to exceed \$39,550, with two twelve-month extension options in an amount not to exceed \$39,550 per extension for a total contract amount not to exceed \$118,650. (Funding in the amount \$23,071 was included in the 2001-2002 Approved Operating Budget of the Emergency Medical Services Department. Funding for the remaining five months of the original contract period and extension options is contingent upon available funding in future budgets.) Low responsive bid/nine bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified, therefore, no goals were established for this contract.

Resolution No. 020307-42 was approved.

43. Approve a resolution authorizing negotiation and execution of a professional services agreement with PUBLIC FINANCIAL MANAGEMENT, Austin, Texas, to conduct a management evaluation study of the Water and Wastewater Department, for a total contract amount not to exceed \$276,068. (Funding is available in the 2001-2002 Approved Operating Budget of the Water & Wastewater Department.) Best proposal of seven received. 6.2% MBE, 19.6% WBE subcontracting participation.

Resolution No. 020307-43 was approved.**Item 44 was pulled for discussion.**

45. Approve an ordinance amending the following sections of the Austin City Code: Section 16-4-32: Speed Limits of the Austin City Code by adding McCallen Pass from Canyon Ridge to Parmer Lane to the list of streets having a maximum speed limit of 35 miles per hour; Section 16-4-34: Speed Limits of the Austin City Code by adding Tech Ridge Boulevard from Canyon Ridge to Parmer Lane to the list of streets having a maximum speed limit of 45 miles per hour; and Section 16-4-35: Speed Limits of the Austin City Code by adding McCallen Pass from Parmer Lane to Howard Lane to the list of street having a maximum speed limit of 50 miles per hour. (Funding in the amount of \$1,000 is included in the 2001-2002 Operating Fund of the Transportation, Planning and Sustainability Department for the installation of the appropriate speed limit signs.)

Ordinance No. 020307-45 was approved.

46. Approve an ordinance for the issuance of a Street Event Permit for a fee paid event in the 200 block of West 4th Street for a St. Patrick's Day Festival. The event is scheduled to begin March 17, 2002 beginning at 6:00 a.m. and extend through March 18, 2002 at 6:00 a.m.

Ordinance No. 020307-46 was approved.

- 47. Approve a resolution authorizing the City Manager to negotiate and execute a wholesale water supply agreement with the Windermere Utility Company, Inc. (This will be a revenue producing item, estimated annual revenues are approximately \$683,095) (Recommended by Water and Wastewater Commission)
Resolution No. 020307-47 was approved.

- 48. Set a public hearing to consider an appeal of the Planning Commission's decision to approve a Conditional Use Permit for a day care service use with conditions. The proposed site is located at 4814 Red River Street. File # SPC-01-0026A. Sammy's House (Sylvia Odem). Appellants: Jeanne C. Simon, Julia J. Sawyer, Julia Sawyer Dill and Kerri McHugh, Dr. Doris Coward, Debbie Volker, John Kneten, Patricia Kneten and Helen Kneten. City Staff: Thomas Bolt, Neighborhood Planning and Zoning Department 974-2755. (Suggested Date: April 11, 2002 at 6:00 P.M.)
Resolution No. 020307-48 was approved.

- 49. Approve a resolution authorizing negotiation and execution of agreements with Travis, Hays, Williamson, and Bastrop Counties implementing the terms of House Bill 1445 regarding regulation of subdivisions in the Extraterritorial Jurisdiction (ETJ).
Resolution No. 020307-49 was approved authorizing negotiation only on this project. Execution of the agreement will be on the March 21, 2002 agenda.

50. Animal Advisory Commission

Patricia Valls-Trelles	reappointment	Alvarez
------------------------	---------------	---------

Austin-Travis County EMS Advisory Board

David C. Donnelly	appointment	Consensus
Robert W. Walker	appointment	Consensus

Bond Oversight Committee

Christopher Wilder	appointment	Consensus
--------------------	-------------	-----------

Child Care Council

Lilia Carl	reappointment	Consensus
Jon Kyle Holder	reappointment	Consensus

Downtown Commission

Robert Craig Nasso (Downtown Resident)	appointment	Consensus
--	-------------	-----------

Ethics Commission

Stephen A. Yelenosky	appointment	Goodman
----------------------	-------------	---------

MBE/WBE Advisory Committee

Maryam Gharbi	reappointment	Consensus
Clifton Knezek	reappointment	Consensus
Luis Ornelas (Trade Association rep)	appointment	Consensus

Mechanical, Plumbing and Solar Board

Joey C. Mims	appointment	Consensus
--------------	-------------	-----------

Solid Waste Advisory Commission

Charles Malcolm Cree	appointment	Wynn
----------------------	-------------	------

51. Approve an ordinance waiving the Permit Fee, Security Deposit, and certain requirements of Chapter 15-11 of the City Code, and approving the closure of certain streets for the 3rd Annual Taste of Mexico Event on May 2, 2002. (Council Member Raul Alvarez and Mayor Garcia) (Fiscal note \$459.00) Tracey, use appropriate wording.
Ordinance No. 020307-51 was approved.

Items Z-1 and Z-2 were zoning items.

Item 52 was a public hearing.

DISCUSSION ITEMS

23. Approve a resolution authorizing execution of Change Order #8 to the construction contract with MARTIN K. EBY CONSTRUCTION CO., INC., Austin, Texas, for additional costs related to differing soil conditions and unforeseen utility conflicts as part of the New City Hall Tunnel and Excavation Project, in the amount of \$338,074.50, for a total contract amount not to exceed \$5,515,946.50. (Funding in the amount of \$270,000 is included in the Fiscal Year 2001-2002 Amended Capital Budget of the Public Works Department; and \$68,074.50 is included in the Fiscal Year 2001-2002 Amended Capital Budget of the Watershed Protection & Development Review Department.) Overall participation, including this Change Order: 15.54% MBE; 3.01% WBE.
Resolution No. 020307-23 was approved on Council Member Wynn's motion, Council Member Slusher's second by a 7-0 vote.

ZONING

- Z-2. C14-01-0134- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9530 U.S. Highway 290 East (Walnut Creek Watershed) from DR, Development Reserve district, zoning to CS, General Commercial Services district, zoning. Zoning and Platting Commission recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: Humberto Suarez. Agent: AIC Engineers (Adan Castaneda). City Staff: Annick Beaudet, 974-2975.
This item was postponed to April 11, 2002 at the neighborhood's request on Council Member Slusher's motion, Council Member Wynn's second by a 6-0 vote. Council Member Griffith was off the dais.
- Z-1. C14-01-0131 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 500 West Martin Luther King Jr. Blvd. (Shoal Creek Watershed) from CS, General Commercial Services district, zoning to CS-MU, General Commercial Services-Mixed Use Combining district and MF-6, Multifamily Residence Highest Density district, zoning. Zoning and Platting Recommendation: To forward this rezoning request without a recommendation. Applicant: Sutton Company (H.M. Pike). Agent: Bury and Partners, Inc. (Greg Strmiska, P.E.). City Staff: Glenn Rhoades, 974-2775. (continued from 11/29/01 and 12/13/01)
The first reading of this ordinance was approved adopting staff's recommendation and including the ten additional conditions outlined in the letter from the ADHOC Subcommittee of University Area Partners dated November 27, 2001, on Council Member Slusher's motion, Council Member Thomas' second by a 7-0 vote.

DISCUSSION ITEMS CONTINUED

17. C14-01-0146 – Oak Hill Heights Section Six - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the north side of Convict Hill Road, east of Poncha Pass (Williamson Creek Watershed) from DR, Development Reserve district, zoning to SF, Single Family Residence district, zoning. First reading January 17, 2002; Vote: 6-1, Slusher nay. Conditions met as follows: No conditions imposed by Council on first ordinance reading. Applicant: Benchmark Development Corp. (David Mahn). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 020307-17 was approved, adopting SF-2-CO zoning, as amended on Mayor Pro Tem Goodman's motion, Council Member Wynn's second by a 7-0 vote. The amendment was to prohibit access to Breezy Pass.
19. Approve a resolution authorizing payment to the TEXAS DEPARTMENT OF TRANSPORTATION for the City's 10% participation of right-of-way acquisition for the U.S. Highway 183 Project, from East of US 290 to S.H. 71, in accordance with the June 27, 1986 Agreement for Right-of-Way Procurement, in the amount of \$115,000. (Funding is available in the 2000-2001 Amended Capital Budget of the Department of Public Works.)
Resolution No. 020307-19 was approved with an amendment to add to the last paragraph of the resolution the sentence, "The City recommends installation of bicycle and pedestrian facilities where appropriate," on Council Member Slusher's motion, Council Member Thomas' second by a 7-0 vote.
44. Adopt a resolution approving the release of approximately 38 acres of extraterritorial jurisdiction (ETJ) from the City of Austin to the Village of Bee Cave within the Homestead Subdivision. The lots being released within the subdivision are located on Saddle Back Pass, Round Top Circle and Great Divide Drive. (This release of ETJ will not have a fiscal impact.)
Resolution No. 020307-44 was approved on Council Member Alvarez' motion, Council Member Wynn's second by a 6-0 vote. Mayor Pro Tem Goodman was off the dais.

The meeting was recessed at 5:18 p.m. to go into Executive Session.

EXECUTIVE SESSION

3. Discuss generation planning issues.

Mayor Garcia announced that items 11, 12 and 13 would also be discussed during Executive Session.

Executive Session ended at 7:01 p.m. and the Mayor called the meeting back to order.

DISCUSSION ITEMS CONTINUED

52. Conduct a public hearing for the full purpose annexation of the following annexation areas: Woods of Century Park (Approximately 51 acres located in Travis County approximately four tenths of a mile east of the intersection of Burnet Rd and Century Park Blvd).
The public hearing for Woods of Century Park was closed on Council Member Thomas' motion, Council Member Griffith's second by a 6-0 vote. Council Member Alvarez was off the dais.

Brandt's Crossing (Approximately 135 acres located in south central Travis County on the northwest corner of the intersection of Brandt Rd and E Slaughter Ln).

The public hearing for Brandt's Crossing was closed on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Alvarez was off the dais.

Decker Lake Rd (Approximately 5 acres located in Travis County along Decker Lake Rd east of Blue Bluff Rd). (No action will be taken.)

The public hearing for Decker Lake Road was closed on Council Member Slusher's motion, Council Member Griffith's second by a 6-0 vote. Council Member Alvarez was off the dais.

11. Approve a resolution authorizing negotiation and execution of a professional services agreement with the following two firms: BLACK & VEATCH CORPORATION, Kansas City, MO; and STANLEY CONSULTANTS, INC., Austin, Texas, to provide specialized engineering and associated technical services necessary for planning, analysis, design and construction management of improvements to Austin Energy's power plants for a period estimated at three years or until available funding authorization is expended, each agreement in an amount not to exceed \$2,000,000, with a combined total amount expended via the two agreements not to exceed \$2,000,000 (each firm estimated to receive \$1,000,000). (Funding in the amount of \$2,000,000 is available in the 2001-2002 Approved Capital Budget of the Electric Utility Department.) Best of ten RFQs submitted. BLACK & VEATCH CORPORATION 9.5% MBE, 18% WBE subconsultant participation; STANLEY CONSULTANTS, INC. 8.7% MBE, 18.2% WBE subconsultant participation.
Resolution No. 020307-11 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.
12. Amend Ordinance 010910-2, the Capital Budget for the Electric Utility Department. This Capital Budget amendment will transfer \$28,800,000 of appropriations between capital project groups increasing appropriations for Power Production and decreasing appropriations for Non-Electric Plant Assets and Customer Care, Billing & Metering for a net impact of \$0. (Funding for the \$28,800,000 was included in the 2001-2002 Approved Capital Budget of the Electric Utility Department. Net impact on the Capital Budget and Operating Budget of the Electric Utility Department is \$0.) (Related Item No. 13)
Ordinance No. 020307-12 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.
13. Approve a resolution authorizing negotiation and execution of a contract with KINETICS/AUSTIN COMMERCIAL, Austin, Texas, for the construction of a combined cycle unit at the Sand Hill Energy Center, in an amount not to exceed \$51,165,457. (Funding is available in the 2001-2002 Approved Capital Budget for the Electric Utility Department.) Best and lowest compliant proposer. 3.02% MBE, .59% WBE subcontracting participation. (Related Item No. 12)
Resolution No. 020307-13 was approved on Council Member Slusher's motion, Mayor Pro Tem Goodman's second by a 7-0 vote.
8. Consideration and possible action regarding a charter amendment to be placed on the May 4, 2002, ballot, to change the terms and the method of election of the City Council from election at large to a method including the election of members from geographical districts, or to a method combining at-large and district elections.
Council gave direction to staff to prepare an ordinance for action at the March 20th work session or March 21st regular Council Meeting to include the following information: Adopting a method of combining at-large and district elections with eight single member districts, two at large and one Mayor at large. This was approved on Council Member Wynn's motion, Mayor Garcia's second by a 6-1 vote. Council Member Griffith voted no.

In addition, no language is to be included changing the length of the terms. They are to remain at three years. Language is to be included stating: Council will provide by ordinance for the necessary transition; Council will retain their redistricting authority; With an eleven member Council, the quorum will be six and the requirement for any action to be taken will be a vote of six members; For emergency votes, eight votes will be required; To amend a citizen initiative ordinance will require a nine member vote; Recall vote for a single district Council Member will require a petition of 10% of the qualified voters of that district and for at-large Council Members or the Mayor, it will require 10% of the voters in the City. Recall will only be held in the district from which the member is elected. Wording will be in the ordinance to allow an exception to the term limit provision (if they remain after the May 4, 2002 election) for those who have a shorter term due to the transition plan. The transition plan should be done before the election and could not be amended unless it is necessary to do so because of the litigation or Justice Department action.

9. Consideration and possible action regarding the Charter Revision Committee Report to City Council concerning charter amendments to be placed on the May 4, 2002, ballot, including:

Items considered and recommended:

- A. Repeal of term limits for Mayor and Council. (Article 2, Section 3)

This item was approved to be included in the ordinance calling the Charter Review election by Mayor Pro Tem Goodman's motion, Council Member Griffith's second on a 4 to 3 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Griffith and Slusher. Those voting nay were: Council Members Alvarez, Thomas and Wynn.

- B. Lowering the percentage of qualified voter signatures required on a petition to initiate an ordinance. (Article 4, Section 1)

This item died for lack of a motion.

- C. Repeal of the Charter section regarding campaign contributions and expenditures. (Article 3, Section 8).

The motion to add wording to the ordinance calling the Charter Review election to repeal Article 3, Section 8 as recommended by the Charter Review Commission failed on Council Member Slusher's motion, Mayor Garcia's second on a 3 to 4 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Member Slusher. Those voting nay were: Council Members Alvarez, Griffith, Thomas and Wynn.

The motion to reconsider this item was approved on Council Member Wynn's motion, Council Member Slusher's second on a 7-0 vote.

The motion to add wording to the ordinance calling the Charter Review election to repeal Article 3, Section 8 as recommended by the Charter Review Commission was approved on Council Member Slusher's motion, Mayor Garcia's second on a 4 to 3 vote. Those voting aye were: Mayor Garcia, Mayor Pro Tem Goodman, and Council Members Slusher and Wynn. Those voting nay were: Council Members Alvarez, Griffith, and Thomas.

- D. The Committee recommendation that the City Council does not place an alternative to the citizen initiated "Austin Fair Elections Act" on the May 4, 2002 ballot.

The motion to include wording in the ordinance calling the Charter Review election to preserve the \$100.00 limit on donations for single member district campaigns, if they are approved in the May election, but raise the limit to \$500.00 for at large candidates failed on Council Member Wynn's motion, Mayor Pro Tem Goodman's second on a 2-5 vote. Those voting aye were: Mayor Pro Tem Goodman and Council Member Wynn. Those voting nay were: Mayor Garcia, and Council Members Alvarez, Griffith, Slusher and Thomas. There was a friendly amendment by Council Member Alvarez to raise the amount for the at large candidate to \$200 but that friendly amendment was not accepted by the maker of the motion.

- E. Increasing the City Manager's administrative purchase authority and clarifying that the City Manager's administrative purchase authority with respect to any one contract applies to each year of the contract rather than the entire life of the contract. (Article 7, Section 15).
Action on this item was postponed to the March 20th work session or the March 21st regular meeting.
- F. City Council appointment of a police monitor and a police oversight board.
Action on this item was postponed to the March 20th work session or the March 21st regular meeting.
- G. A Charter amendment providing that the city shall not maintain a confidential personnel file for a police officer.
Action on this item was postponed to the March 20th work session or the March 21st regular meeting.

Items considered and not recommended:

- A. Repeal of the Charter provision requiring newly elected city officers publish a campaign expense statement in an Austin newspaper. (Article 3, Section 7)
The following wording will be added to the ordinance calling the Charter Review election, "The City Clerk will post the newly elected officials' financial statements to the City website." This was approved on Council Member Griffith's motion, Mayor Pro Tem Goodman's second on a 7-0 vote.
- B. Creation of an independent electric utility governing board appointed by City Council.
This item died for lack of a motion.
- C. City Council appointment of Austin Energy's general manager.
This item died for lack of a motion.
- D. City Auditor authority to hire specialists.
This item died for lack of a motion.
- E. City Council appointment of a consumer advocate.
The following issue "City Council appointment of an electric utility consumer advocate" was approved to be included in the ordinance calling the Charter Review election on Mayor Pro Tem Goodman's motion, Council Member Thomas' second by a 4-3 vote. Those voting aye were Mayor Pro Tem Goodman and Council Members Alvarez, Griffith and Thomas. Those voting nay were: Mayor Garcia and Council Members Slusher and Wynn. There was a friendly amendment by Council Member Wynn to add wording in the ballot language to include the budget for this position and provisions that the funds come out of the City Council's budget. This was not accepted as a friendly amendment by the maker of the motion.

The motion to waive the rules and allow the meeting to go past 10:00 p.m. was approved on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.

F. City Council appointment of the City Attorney.

Action on this item was postponed to the March 20th work session or the March 21st regular meeting.

10. Consideration and possible action regarding other items to be placed on the May 4, 2002, ballot, including: Resign-to-run provision for municipal court judges and employees hired by the Council.

The motion to include the following wording in the ordinance calling the Charter Review election was approved on Mayor Garcia's motion, Mayor Pro Tem Goodman's second by a 6-1 vote. Council Member Thomas voted no. The language in Article VI, Chapter 2, if approved by the voters, would be amended to read, "If any judge of a municipal court announces candidacy, or in fact becomes a candidate, in any general, special, or primary election, for any elective public office, the judge's announcement or candidacy is an automatic resignation of the office of the municipal judge, at a time during which they have more than a year left on their term." Under Article IX of the Charter, a new Section 6 would be added to read, "If an officer or employee who is appointed by the City Council under this charter, other than a judge of a municipal court, announces candidacy, or in fact becomes a candidate, in any general, special or primary election, for any elective public office, the officer's or employee's announcement or candidacy is an automatic resignation of the office or employment."

The motion to adjourn the meeting at 11:25 p.m. was approved on Council Member Slusher's motion, Council Member Griffith's second by a 7-0 vote.

The amended minutes from the regular meeting of February 14, 2002 and the minutes from the Work Session of March 6, 2002 and the regular meeting from March 7, 2002 were approved on Council Member Thomas' motion, Council Member Wynn's second by a 7-0 vote.